45. (New) The method of claim 44, the method further comprising recording the message from the third party placing the call.

46. (New) The method of claim 44, the method further comprising sending the recording of the message to the user computer connected to the computer network via the second subscriber line.

47. (New) The method of claim 44, the method further comprising sending a visual notification of the message to the user computer connected to the computer network via the second subscriber line.

48. (New) The method of claim 44 wherein the message comprises an audible identification.

49. (New) The method of claim 44 wherein the second subscriber line comprises a DSL line.

50. (New) The method of claim 44 wherein the second subscriber line comprises a cable modem.

51. (New) The method of claim 44 wherein the second subscriber line comprises a telephone line.

REMARKS

STATUS OF THE APPLICATION

Prior to this amendment, claims 1-21 were pending in this application. Claims 1-9, 11-15, and 17-21 were rejected under 35 U.S.C. 103(a) as being unpatentable

over Smyk (U.S. Pat. No. 6,128,379) in view of Birckbichler (U.S. Pat. No. 5,796,806). Claims 10 and 16 were objected to as being dependent upon a rejected base claim.

Applicant has amended claims 1, 5, 7-18, and 21 and has added new claims 22-51. Applicant submits that no new subject matter has been introduced by these amendments. Claims 1-51 remain pending in this application after filing of this amendment.

Attached hereto as Appendix A is a marked-up version of the changes made to the claims by the current Amendment. Attached hereto as Appendix B is a clean version of all pending claims for the convenience of the Examiner.

THE DRAWINGS

Figs. 1 and 3 have been amended to correct an error on the drawings. More specifically, feature 18 on Figs. 1 and 3 has changed from "ISP" to "IP" which stands for Intelligent Peripheral as indicated at page 4, line 18 of the specification. Hence, no new matter has been added. A clean version of Figs. 1 and 3 are enclosed for the convenience of the Examiner.

THE CLAIMS

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1-9, 11-15, and 17-21 under 35 U.S.C. §103(a) as being unpatentable over Smyk in view of Birckbichler. The Examiner has objected to claims 10 and 16 as being depen[illegible] upon a rejected base claim. Applicant respectfully traverses these rejections.

As stated above, Applicant has amended claims 1, 5, 7-18, and 21. Applicant submits that these amended claims are patentable over the cited references. More specifically, using claim 1 as an example, claim 1 now recites, *inter alia*:

> "receiving a call to a subscriber line having a device connected to a computer network;...
>
> receiving an audible identification from the caller; and

providing the audible identification via the computer network and the subscriber line to the device."

Emphasis added.

Smyk neither teaches nor discloses these limitations. Smyk teaches "intelligent network services for data-based communications between a network and its subscribers" (col. 1, lns. 14-16). More specifically, Smyk teaches an Intelligent Data Peripheral that is configured to authenticate and authorize a caller when the caller attempts to make an Internet/intranet access call from a PC before the call is routed to the appropriate destination. See col. 4, lns. 63-66 and col. 5, ln. 1. Smyk does not teach or suggest "receiving a call to a subscriber line, ... receiving an audible identification from the caller, and providing the audible identification via a computer network and the subscriber line to the device" as recited in claim 1. (Emphasis added). Indeed, the Examiner concedes this point in his Office Action.

Birckbichler, however, does not overcome this defect in Smyk. Birckbichler teaches a spoken caller ID transmitted over a telephone connection, but Birckbichler does not teach "...providing the audible identification via the computer network and the subscriber line to the device" as recited in the claims. Thus, combining Smyk and Birckbichler would not render the recited claims obvious.

Moreover, there is no teaching or suggestion to combine Birckbichler with Smyk in the manner suggested by the Examiner. The Federal Circuit stated in *In re* Oetiker that "[t]he combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination." *In re* Oetiker, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992). In this case, there is no teaching or suggestion to combine, and thus no *prima facie* case of obviousness.

As discussed above, Smyk relates to using a computer to place telephone calls over the Internet, while Birchbichler relates to transmitting a spoken caller ID over a

telephone line to a telephone receiver. These references have no commonality other than they relate to telephone calls, which clearly is not enough to support a teaching or suggestion to combine. The only way one skilled in the art could combine these two references as suggested by the Examiner would be to use the teachings of the present invention to create a tenuous, at best, link using hindsight reconstruction. This clearly is improper.

The Examiner indicated in his office action that "Smyk suggests the method of verifying a caller authentication in [the] form of voice identification by means of voice recognition performed by an Intelligent Peripheral or Intelligent Data Peripheral." Nowhere is this concept claimed or even suggested in the present invention, so this concept clearly cannot be used to render the claims of the present invention obvious. Claim 1 is patentably distinct from Smyk, from Birckbichler, and from the combination of the two (which never should have been combined in the first place). Thus, Applicant submits that claim 1 is allowable over the cited references, as well as all other references of which Applicant is aware.

With regard to dependent claims 2-7, Applicant submits that they are allowable as being directed to specific novel substitutes, as well as by depending from allowable parent claims.

As amended, independent claim 8 now recites, *inter alia*:

> "...a programmable network computer receiving the signal from the SCP and requesting an audible identification from the third party and sending the audible identification to a user computer connected to the subscriber line via a computer network."

Emphasis added.

Independent claim 13 now recites:

> "A communication network computer programmed to receive an audible identification from an originating subscriber line attempting a call to a terminating subscriber line and playing the audible identification to the terminating subscriber line via a computer network."

Emphasis added.

And independent claim 19 now recites, *inter alia*:

> ... prompting the caller to provide an audible identification;
> receiving the audible identification from the caller; and
> providing the audible identification via a computer network.

Emphasis added.

Again, as discussed above with reference to claim 1, Smyk, Birckbichler, and the combination of the two do not teach or suggest all the limitations recited in independent claims 8, 13 and 19. Thus, at least for the reasons discussed above with reference with claim 1, Applicant submits that claims 8 and 13 also are patentable over the cited references.

With regard to claims 10 and 16, Applicant expressly acknowledges that those claims include allowable subject matter. Applicant also submits that claims 10 and 16 are allowable by depending from allowable parent claims.

With regard to dependent claims 9, 11-12, 14-15, 17-18 and 20-21, Applicant submits that they are allowable as being directed to specific novel substitutes, as well as by depending from allowable parent claims.

New Claims 22-51

New claims 22-51 have been added to claim additional novel aspects of the present invention. Applicant respectfully submits that new claims 22-51 are allowable over the prior art. In addition, Applicant submits that no new matter has been added by the addition of the new claims.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE DRAWINGS:

Please amend Figs. 1 and 3 as indicated by the red markings on the attached amended figures. A clean version of Figs. 1 and 3 also are enclosed for the convenience of the Examiner.

IN THE SPECIFICATION:

Please replace the paragraph on page 5, lines 6-11 with the following paragraph:

--An on-line call alert ("OCA") server 32 communicates with the SCP 16 and the Internet 24. The OCA server 32 includes information necessary for the OCA server 32 to communicate with the subscriber's computer 26 via the Internet 24 (such as an email address, the subscriber's Internet service provider or dial-up access 22, etc.) The **[ISP]** IP 18 also includes this information sufficient for it to communicate with the subscriber's computer 26 via the Internet 24.--

IN THE CLAIMS:

1. (Amended Herein) A method for identifying a caller **[including the steps of]**, the method comprising:

a) **[attempting]** receiving a call to a subscriber line having a device connected to a computer network;

b) determining that the subscriber line is connected to the computer network;

c) in response to said step b), prompting the caller to provide identification;

d) receiving an audible identification from the caller; and

e) providing the audible identification via the computer network and the subscriber line to the device.

5. (Amended Herein) The method of claim 4 further including the steps of:

i) **[Detecting]** detecting a trigger at the subscriber line in said step a);

j) performing said step f) in response to said step i).

7. (Amended Herein) The method of claim 1 further including the step of displaying a plurality of disposition options for the call via the subscriber line.

8. (Amended Herein) A communication network comprising:

a service switching point (SSP) **[associated with]** in communication with a subscriber line and generating a query in response to an attempted call by a third party to the subscriber line;

a service control point (SCP) receiving the query from the SSP, and**[,]** in response to the query, generating a signal indicating how to process the attempted call; and

a programmable network computer receiving the signal from the SCP and requesting an audible identification from the **[attempted call]** third party and sending the audible identification to a user computer connected to the subscriber line via a computer network.

9. (Amended Herein) The communication network of claim 8 wherein the programmable network computer records the audible identification.

10. (Amended Herein) The communication network of claim 8 wherein the programmable network computer **[is]** comprises an online call alert (OCA)

server communicating with the SCP, the OCA server including information associating the subscriber line with an address on the computer network, **[the network computer send]** and wherein the programmable network computer sends the audible **[information]** identification to the address associated with the subscriber line.

11. (Amended Herein) The communication network of claim 8 wherein the programmable network computer is an intelligent peripheral (IP) sending the audible identification via the **[internet]** computer network to the subscriber line.

12. (Amended Herein) The communication network of claim 8 wherein the **[subscribe]** subscriber line is connected to the **[internet]** computer network and the audible identification is sent via the **[internet]** computer network to the subscriber line.

13. (Amended Herein) A communication network computer programmed to receive an audible identification from an originating subscriber line attempting a call to a terminating subscriber line and **[play]** playing the audible identification to the terminating subscriber line via a computer network.

14. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer requests the audible identification on the originating subscriber line.

15. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer records the audible identification.

16. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer **[is]** comprises an online call alert

(OCA) server communicating with **[the SCP]** a service control point (SCP), the OCA server including information associating the subscriber line with an address on the computer network, **[the network computer send]** and wherein the communication network computer sends the audible **[information]** identification to the address associated with the subscriber line.

17. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer is an intelligent peripheral sending the audible identification via the **[internet]** computer network to the terminating subscriber line.

18. (Amended Herein) The communication network computer of claim 13 wherein the subscriber line is connected to the **[internet]** computer network and the audible identification is sent via the **[internet]** computer network to the subscriber line.

21. (Amended Herein) The method of claim 20**[,]** wherein the computer network is the Internet.

22. (New) The communication network of claim 8 wherein the programmable network computer comprises an intelligent peripheral (IP), the IP including information associating the subscriber line with an address on the computer network, and wherein the IP sends the audible identification to the address associated with the subscriber line.

23. (New) The communication network of claim 8 wherein the programmable network computer comprises an online call alert (OCA) server communicating with the SCP, the OCA server including information associating the

subscriber line with an address on the computer network, and wherein the OCA server sends the audible identification to the address associated with the subscriber line.

24. (New) A method for identifying a caller, the method comprising:

a) receiving a third party call to a subscriber line including a user computer connected thereto;

b) prompting a third party caller to provide identification;

c) receiving an audible identification from the third party caller; and

d) providing a visual interface to the user computer via a computer network and the subscriber line to notify a user of the third party call.

25. (New) The method of claim 24 wherein the computer network is the Internet.

26. (New) The method of claim 24 wherein the visual interface comprises an Internet web page.

27. (New) The method of claim 24 wherein the visual interface comprises a pop-up screen.

28. (New) The method of claim 24 wherein the visual interface includes an option of playing the audible identification of the third party caller and an option of disconnecting the third party call.

29. (New) The method of claim 28 wherein if the user selects the option of playing the audible identification of the third party caller, the method further comprises providing the audible identification via the computer network and the subscriber line.

30. (New) The method of claim 29 wherein providing the audible identification further comprises recording the third party caller audible identification and sending the recording of the audible identification via the computer network and the subscriber line.

31. (New) The method of claim 30 wherein the programmable network computer records the audible identification.

32. (New) The method of claim 24 further comprising using a service control point (SCP) to instruct an online call alert (OCA) server to provide the visual interface to the user computer via the computer network.

33. (New) A system for identifying a caller, the system comprising:

a service switching point (SSP) in communication with a subscriber line and configured to generate a query in response to an attempted call by a third party to the subscriber line;

a service control point (SCP) configured to receive the query from the SSP, and in response to the query, generate a signal indicating how to process the third party call; and

a programmable network computer configured to:

receive the signal from the SCP;

request an audible identification from the third party; and

send a visual interface to the subscriber line via a computer network indicating the third party caller, the visual interface including options for handling the third party call.

34. (New) The system of claim 33 wherein the programmable network computing sends a notification message to the user computer via the visual interface.

35. (New) The system of claim 33 wherein the visual interface comprises an Internet web page.

36. (New) The system of claim 33 wherein the visual interface comprises a pop-up screen.

37. (New) The system of claim 33 wherein the visual interface indicates that the third party caller identification is unavailable.

38. (New) The system of claim 33 wherein the visual interface includes an option of playing the audible identification of the third party caller and an option of disconnecting the third party call.

39. (New) The system of claim 38 wherein if a user selects the option of playing the audible identification of the third party caller, the system further comprises providing the audible identification via the computer network and the subscriber line.

40. (New) The system of claim 33 wherein the programmable network computer records the third party caller audible identification.

41. (New) The system of claim 40 wherein the programmable network computer sends the recording of the audible identification via the computer network and the subscriber line.

42. (New) The system of claim 33 wherein the programmable network computer comprises an OCA server communicating with the SCP, the OCA server including information associating the subscriber line with an address on the computer network, and wherein the programmable network computer sends the audible identification to the address associated with the subscriber line.

43. (New) The system of claim 33 wherein the programmable network computer comprises an intelligent peripheral (IP), the IP including information associating the subscriber line with an address on the computer network, and wherein the IP sends the audible identification to the address associated with the subscriber line.

44. (New) A method for identifying a caller through a computer network, the method comprising:

receiving a call from a third party to a first subscriber line;

determining the identity of the third party placing the call to the first subscriber line; and

notifying a user of the call from the third party by sending a message to a user computer connected to the computer network via a second subscriber line.

45. (New) The method of claim 44, the method further comprising recording the message from the third party placing the call.

46. (New) The method of claim 44, the method further comprising sending the recording of the message to the user computer connected to the computer network via the second subscriber line.

47. (New) The method of claim 44, the method further comprising sending a visual notification of the message to the user computer connected to the computer network via the second subscriber line.

48. (New) The method of claim 44 wherein the message comprises an audible identification.

49. (New) The method of claim 44 wherein the second subscriber line comprises a DSL line.

50. (New) The method of claim 44 wherein the second subscriber line comprises a cable modem.

51. (New) The method of claim 44 wherein the second subscriber line comprises a telephone line.

APPENDIX B

PENDING CLAIMS

1. (Amended Herein) A method for identifying a caller, the method comprising:

a) receiving a call to a subscriber line having a device connected to a computer network;

b) determining that the subscriber line is connected to the computer network;

c) in response to said step b), prompting the caller to provide identification;

d) receiving an audible identification from the caller; and

e) providing the audible identification via the computer network and the subscriber line to the device.

2. (As Filed) The method of claim 1 further including the step of recording the audible identification in said step d).

3. (Previously Amended) The method of claim 1 further including the step of sending the recording of the audible identification via the subscriber line in said step e).

4. (Previously Amended) The method of claim 1 further including the steps of:

f) before said step c), determining whether calling party information is present in response to said step b);

g) determining that the calling party information is not present; and

h) performing said step c) in response to said step g).

5. (Amended Herein) The method of claim 4 further including the steps of:

i) detecting a trigger at the subscriber line in said step a);

j) performing said step f) in response to said step i).

6. (As Filed) The method of claim 5 further including the step of directing the call to an intelligent peripheral based upon said step g).

7. (Amended Herein) The method of claim 1 further including the step of displaying a plurality of disposition options for the call via the subscriber line.

8. (Amended Herein) A communication network comprising:

a service switching point (SSP) in communication with a subscriber line and generating a query in response to an attempted call by a third party to the subscriber line;

a service control point (SCP) receiving the query from the SSP, and in response to the query, generating a signal indicating how to process the attempted call; and

a programmable network computer receiving the signal from the SCP and requesting an audible identification from the third party and sending the audible identification to a user computer connected to the subscriber line via a computer network.

9. (Amended Herein) The communication network of claim 8 wherein the programmable network computer records the audible identification.

10. (Amended Herein) The communication network of claim 8 wherein the programmable network computer comprises an online call alert (OCA) server communicating with the SCP, the OCA server including information associating the subscriber line with an address on the computer network, and wherein the

programmable network computer sends the audible identification to the address associated with the subscriber line.

11. (Amended Herein) The communication network of claim 8 wherein the programmable network computer is an intelligent peripheral (IP) sending the audible identification via the computer network to the subscriber line.

12. (Amended Herein) The communication network of claim 8 wherein the subscriber line is connected to the computer network and the audible identification is sent via the computer network to the subscriber line.

13. (Amended Herein) A communication network computer programmed to receive an audible identification from an originating subscriber line attempting a call to a terminating subscriber line and playing the audible identification to the terminating subscriber line via a computer network.

14. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer requests the audible identification on the originating subscriber line.

15. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer records the audible identification.

16. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer comprises an online call alert (OCA) server communicating with a service control point (SCP), the OCA server including information associating the subscriber line with an address on the computer

network, and wherein the communication network computer sends the audible identification to the address associated with the subscriber line.

17. (Amended Herein) The communication network computer of claim 13 wherein the communication network computer is an intelligent peripheral sending the audible identification via the computer network to the terminating subscriber line.

18. (Amended Herein) The communication network computer of claim 13 wherein the subscriber line is connected to the computer network and the audible identification is sent via the computer network to the subscriber line.

19. (As Filed) A method for identifying a caller including the steps of:

a) detecting an attempted call to a subscriber line;

b) in response to said step a), prompting the caller to provide an audible identification;

c) receiving the audible identification from the caller; and

d) providing the audible identification via a computer network.

20. (As Filed) The method of claim 19 wherein the subscriber line is connected to the computer network, said step d) further includes the step of providing the audible identification via the computer network and the subscriber line.

21. (Amended Herein) The method of claim 20 wherein the computer network is the Internet.

22. (New) The communication network of claim 8 wherein the programmable network computer comprises an intelligent peripheral (IP), the IP including information associating the subscriber line with an address on the computer

network, and wherein the IP sends the audible identification to the address associated with the subscriber line.

23. (New) The communication network of claim 8 wherein the programmable network computer comprises an online call alert (OCA) server communicating with the SCP, the OCA server including information associating the subscriber line with an address on the computer network, and wherein the OCA server sends the audible identification to the address associated with the subscriber line.

24. (New) A method for identifying a caller, the method comprising:

a) receiving a third party call to a subscriber line including a user computer connected thereto;

b) prompting a third party caller to provide identification;

c) receiving an audible identification from the third party caller; and

d) providing a visual interface to the user computer via a computer network and the subscriber line to notify a user of the third party call.

25. (New) The method of claim 24 wherein the computer network is the Internet.

26. (New) The method of claim 24 wherein the visual interface comprises an Internet web page.

27. (New) The method of claim 24 wherein the visual interface comprises a pop-up screen.

28. (New) The method of claim 24 wherein the visual interface includes an option of playing the audible identification of the third party caller and an option of disconnecting the third party call.

29. (New) The method of claim 28 wherein if the user selects the option of playing the audible identification of the third party caller, the method further comprises providing the audible identification via the computer network and the subscriber line.

30. (New) The method of claim 29 wherein providing the audible identification further comprises recording the third party caller audible identification and sending the recording of the audible identification via the computer network and the subscriber line.

31. (New) The method of claim 30 wherein the programmable network computer records the audible identification.

32. (New) The method of claim 24 further comprising using a service control point (SCP) to instruct an online call alert (OCA) server to provide the visual interface to the user computer via the computer network.

33. (New) A system for identifying a caller, the system comprising:

a service switching point (SSP) in communication with a subscriber line and configured to generate a query in response to an attempted call by a third party to the subscriber line;

a service control point (SCP) configured to receive the query from the SSP, and in response to the query, generate a signal indicating how to process the third party call; and

a programmable network computer configured to:

receive the signal from the SCP;

request an audible identification from the third party; and

send a visual interface to the subscriber line via a computer network indicating the third party caller, the visual interface including options for handling the third party call.

34. (New) The system of claim 33 wherein the programmable network computing sends a notification message to the user computer via the visual interface.

35. (New) The system of claim 33 wherein the visual interface comprises an Internet web page.

36. (New) The system of claim 33 wherein the visual interface comprises a pop-up screen.

37. (New) The system of claim 33 wherein the visual interface indicates that the third party caller identification is unavailable.

38. (New) The system of claim 33 wherein the visual interface includes an option of playing the audible identification of the third party caller and an option of disconnecting the third party call.

39. (New) The system of claim 38 wherein if a user selects the option of playing the audible identification of the third party caller, the system further comprises providing the audible identification via the computer network and the subscriber line.

40. (New) The system of claim 33 wherein the programmable network computer records the third party caller audible identification.

41. (New) The system of claim 40 wherein the programmable network computer sends the recording of the audible identification via the computer network and the subscriber line.

42. (New) The system of claim 33 wherein the programmable network computer comprises an OCA server communicating with the SCP, the OCA server including information associating the subscriber line with an address on the computer network, and wherein the programmable network computer sends the audible identification to the address associated with the subscriber line.

43. (New) The system of claim 33 wherein the programmable network computer comprises an intelligent peripheral (IP), the IP including information associating the subscriber line with an address on the computer network, and wherein the IP sends the audible identification to the address associated with the subscriber line.

44. (New) A method for identifying a caller through a computer network, the method comprising:

receiving a call from a third party to a first subscriber line;

determining the identity of the third party placing the call to the first subscriber line; and

notifying a user of the call from the third party by sending a message to a user computer connected to the computer network via a second subscriber line.

45. (New) The method of claim 44, the method further comprising recording the message from the third party placing the call.

46. (New) The method of claim 44, the method further comprising sending the recording of the message to the user computer connected to the computer network via the second subscriber line.

47. (New) The method of claim 44, the method further comprising sending a visual notification of the message to the user computer connected to the computer network via the second subscriber line.

48. (New) The method of claim 44 wherein the message comprises an audible identification.

49. (New) The method of claim 44 wherein the second subscriber line comprises a DSL line.

50. (New) The method of claim 44 wherein the second subscriber line comprises a cable modem. .

51. (New) The method of claim 44 wherein the second subscriber line comprises a telephone line.

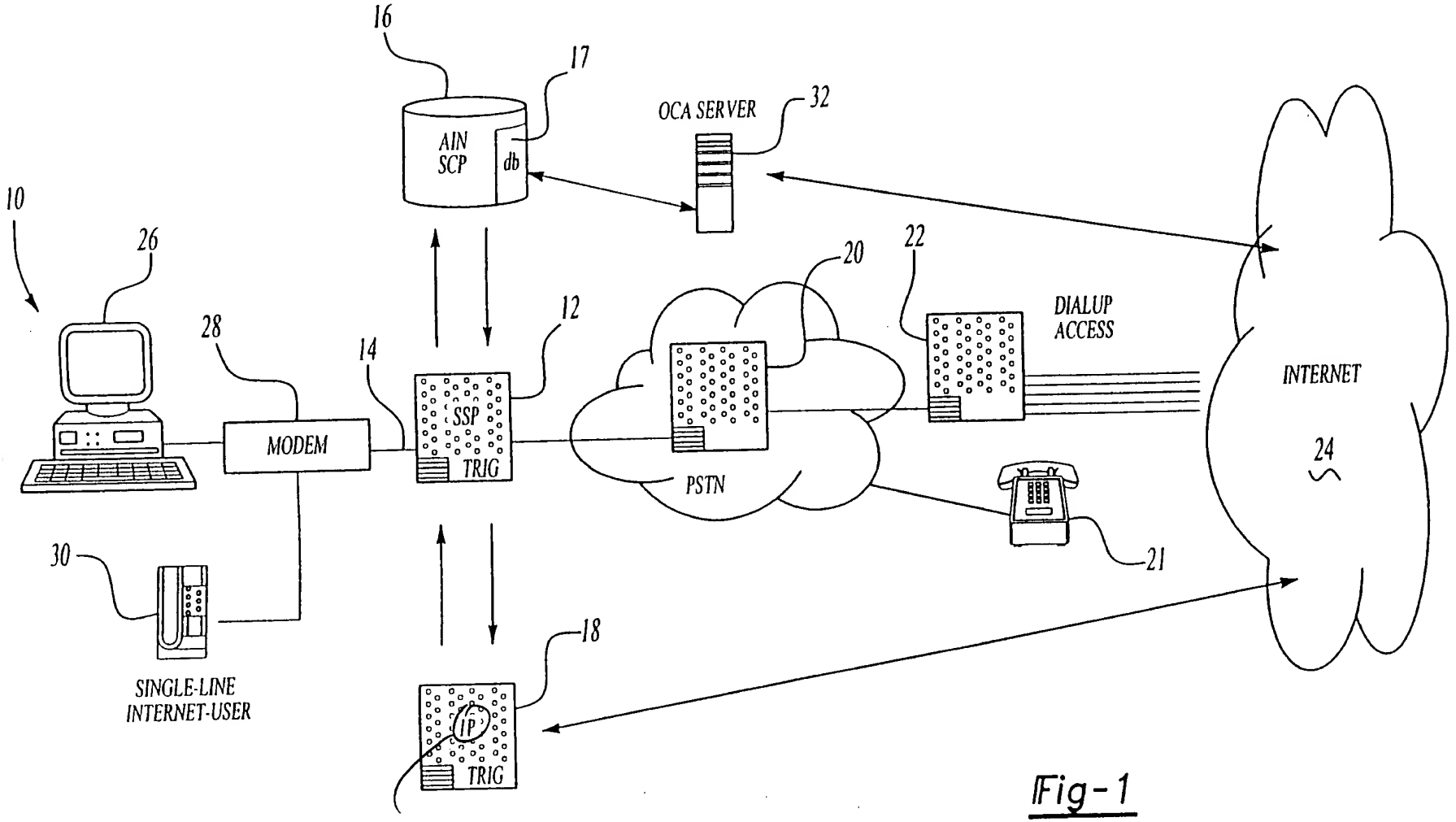

Fig-1

For Examiner's Reference

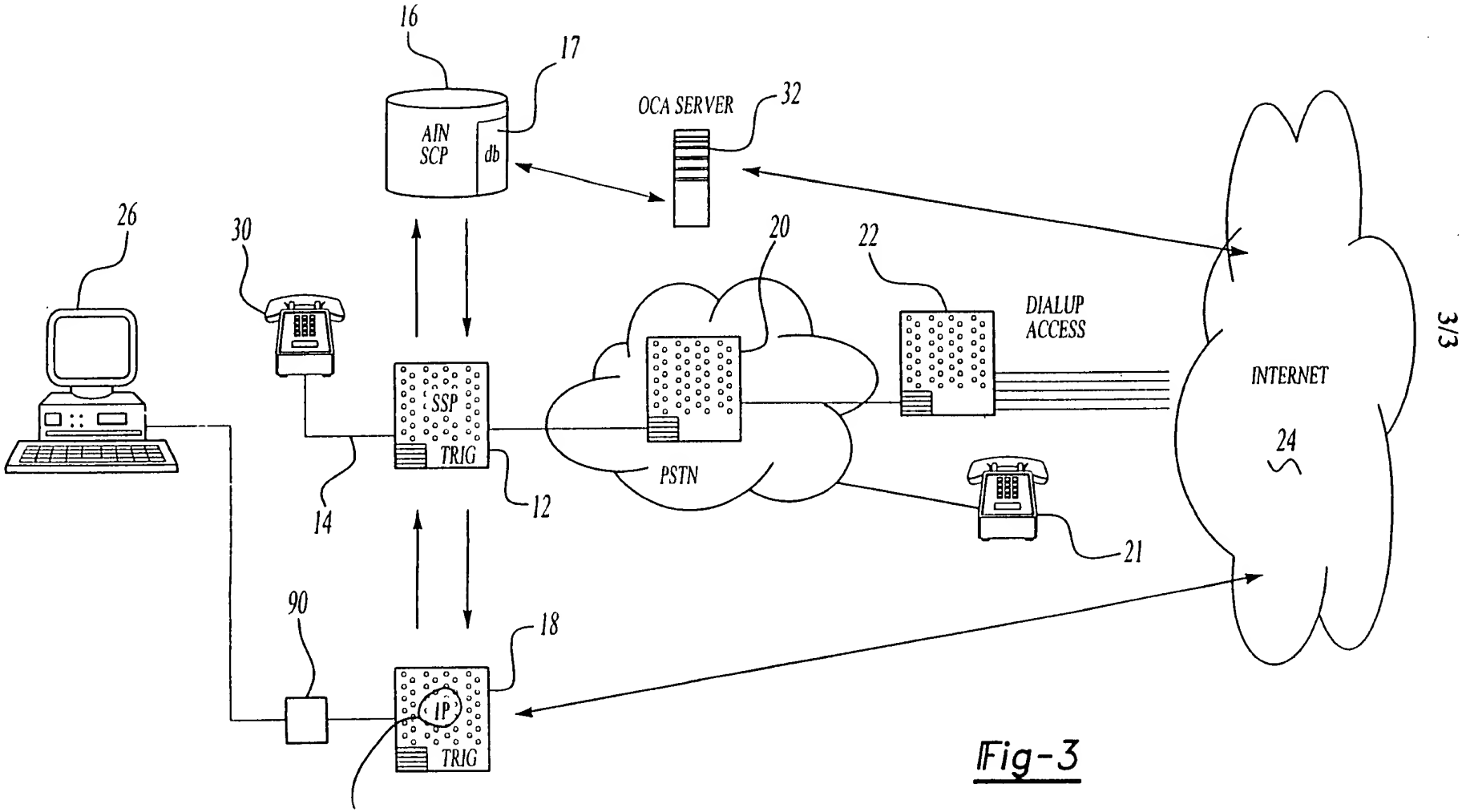

Fig-3

changed from "ISP" to "IP"

For Examiner's Reference